

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Tracy Mobley,	)	
	)	C/A No. 0:19-3223-JFA-SVH
Plaintiff,	)	
	)	
v.	)	
	)	
George Alexander Underwood,	)	
a/k/a “Big A”; Matthew Faile;	)	ORDER
David Ford; Terry Brian	)	
Sanders; Burley McDaniel; Chris	)	
Skidmore; John Joas; and an	)	
Unknown Number of John Does;	)	
Each in Their Individual and	)	
Official Capacities,	)	
	)	
Defendants.	)	
_____	)	

This matter comes before the court upon the motion of the parties for an order allowing the disclosure of certain materials, otherwise not authorized for disclosure under S.C. Code Ann. § 17-1-40, *et seq.*

As background, S.C. Code Ann. § 17-1-40 *et seq.* generally provides that when a person’s criminal record is expunged under South Carolina law, law enforcement and prosecution agencies must retain the records associated with this person’s criminal offense under seal for a certain time period, statutorily defined, or, may retain such information indefinitely for “purposes of ongoing or future investigations and prosecution of the offense, administrative hearings, and to defend the agency and the agency’s employees during

litigation proceedings.” S.C. Code Ann. § 17-1-40(B)(1)(a). Furthermore, absent a court order, this information is protected from disclosure, outside of certain law enforcement channels. *Id.*

Here, the record reflects that Plaintiff, Tracy Mobley, was arrested and subsequently charged with a variety of state law offenses on or about October 5, 2016. It further appears to the court that Plaintiff’s charges were subsequently expunged on or about October 24, 2019, by the Circuit Court for the 6<sup>th</sup> Judicial Circuit of South Carolina sitting in Chester County.

The circumstances surrounding Plaintiff’s arrest on this date form the factual basis for Plaintiff’s claims in this case. Accordingly, the parties have demonstrated good cause that these records are potentially relevant to the claims and defenses in this case.

**THEREFORE, IT IS HEREBY ORDERED** as follows:

1. Any person, company, municipality, organization, whether governmental, private, or otherwise is hereby authorized, pursuant to the provisions of S.C. Code Ann. §17-1-40 *et seq.*, to disclose all information arising from or relating to the arrest of Plaintiff on or about October 5, 2016, to the counsel for the parties to this case, exclusively for use in connection with this matter.

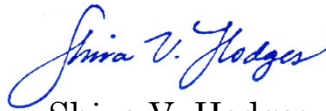
2. This authorization shall be construed liberally and permits the release to counsel of record in this matter of all records, communications, or

other documents relating to Plaintiff's arrest and all related law enforcement investigations, prosecutions, or related administrative processes (e.g. Pretrial Intervention).

3. The foregoing does not modify or affect any other right of a party (whether to this case or otherwise) to object to the production or admissibility of evidence on any other lawful grounds.

IT IS SO ORDERED.

December 18, 2020  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge